Single Bench

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR

WRIT PETITION NO. 4316 / 2004

PETITIONER : Rajesh Kumar Rangari, S/o. Late Shri Mangluram Rangari, Aged about 33 years, R/o. Tulsipur, Bakhtawar Chal, Ward No. 16, Tahsil and District Rajnandgaon, (C.G.).

P.R. No. 4352/04
Presented by Shri Sanjeev Munshi
dated 6/11/04

V E R S U S

RESPONDENTS :

1. State of Chhattisgarh, Through: The Secretary, Energy Department, D.K.S. Bhawan, Raipur, (C.G.).

2. Chhattisgarh State Electricity Board, Through: The Secretary, Danganiya, Raipur, (C.G.).

3. Madhya Pradesh Electricity Board, Through: The Secretary, Shakti Bhawan, Jabalpur, (C.G.).

4. Union of India, Through: The Secretary, Ministry of Personnel, Public Grievances and Pension (State Re-organisation Cell), III Floor, Lok Nayak Bhawan, Khan Market, New Delhi.

5. The Officer on Special Duty, State Government of C.G., Public Grievance Redressal Cell, General Administration Department, Mantralay, Raipur, (C.G.)

Attested

(4)

(2)

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA FOR ISSUANCE OF AN APPROPRIATE WRIT IN THE NATURE OF MANDAMUS/CERTIORARI ETC. OR DIRECTION/ORDER IN THE LIKE NATURE ETC.

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Attested

Respondent No.3 Madhya Pradesh State Electricity Board, Through the Secretary, Shakti Bhawan Jabalpur M.P."

Yadav 8.11.04

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उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक W.P. 4316/04 **सन्** **200**

..... **विरुद्ध** .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

11.7.2006

Shri Rakesh Pandey, learned counsel for the petitioner.

Shri A.S Gaharwar, learned counsel for respondent No.1.

Shri S.K. Beriwal, learned counsel for respondent no. 4.

Heard.

By this writ petition under Article 226/227 of the Constitution of India the petitioner has prayed for a direction to the respondent – Chhattisgarh State Electricity Board to consider the case of the petitioner for compassionate appointment.

The case of the petitioner is that his father namely late Manglu Ram Rangari died in harness on 17.03.1999 while working as Assistant Grade-II at Rajnandgaon. The death certificate is Annxture-P/3. The petitioner applied for compassionate appointment on 22.07.1999 and the receipt of the same is Annexure-P/5. The case of the petitioner was not considered and in the meantime, on account of the reorganization of the State, the State of Chhattisgarh was carved out w.e.f. 01/11/2000 and thereafter the Madhya Pradesh Electricity Board was also bifurcated w.e.f. 15/11/2000 and Chhattisgarh State Electricity Board came into existence on that day. As per the reply of the MPEB, the case of the petitioner has been transferred to the CSEB on 22.11.2002 and the name of the petitioner appears in the list as Sl. No.58. As per the provisions of sub-Section (4) of Section 58 of the Madhya Pradesh Reorganisation Act, 2000 the assets and liabilities and employees of undivided Board were to be distributed among the

(पीछे देखिये)

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आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित -2-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

MPEB and the CSEB. Vide order dated 6th January 2004, the Government of India, Ministry of Power, issued an order in which it has been mentioned that representatives of both the States agreed in a meeting taken by Secretary, Power on 20th March 2003 that the division of employees would be in line with policy adopted for division of employees of Madhya Pradesh Government. In Para 2, it has been mentioned that the matter has been considered and in partial modification of provisional order dated 12th April 2001 so far as relating to the division of employees it has been decided finally to divide the posts and employees on the lines followed by DOPT for allocation of posts and employees of the State Government of erstwhile Madhya Pradesh for making allocation of posts and persons to the successor Electricity Board of MPEB on the principle that posts relatable to territorial jurisdiction of a successor State may be allotted to respective State and similarly employees belonging to such sub State territorial cadres being allocated to concerned State and only dividing the remaining posts and employees between the two States, the Government of India has decided to appoint a three members State Advisory Committee to be headed by the same person who was the Chairman of SAC appointed by DOPT for Madhya Pradesh. Therefore, on this principle the employees of MPEB who were working in the territory of newly created Chhattisgarh are to be allocated to the successor Chhattisgarh State Electricity Board on the principle and line followed by DOPT for allocation of posts and employees of the State Government of erstwhile State of Madhya Pradesh. It

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is admitted position that the petitioner's father, at the time of death i.e. 17.03.1999 was working at Rajnandgaon which falls in the territory of CSEB and when the petitioner had applied for compassionate appointment the policy for compassionate appointment dated 30.01.1997 was in existence. Therefore, his case ought to have been considered under that policy by the MPEB/CSEB and on the same line the State of Chhattisgarh has also taken a decision that the dependants of those employees who died on or after 01.11.1997 are entitled for compassionate appointment. Therefore, the petitioner is entitled for consideration of his application under the policy dated 30.01.1997.

For the foregoing reasons, the petition is allowed and the respondent – CSEB is directed to consider the case of the petitioner for compassionate appointment in accordance with the policy dated 30/01/1997.

Certified copy as per rules.

Sd/-
L.C. Bhadoo
Judge

Brijesh

(पीछे देखिये)

17.7.06 14/8/12